

Exhibit 16

T H E

A C T S

For Robert O. Walker Esq.

A S S E M B L

O F T H E S T A T E O F

N O R T H C A R O L I N A

P A S S E D

A t a G E N E R A L A S S

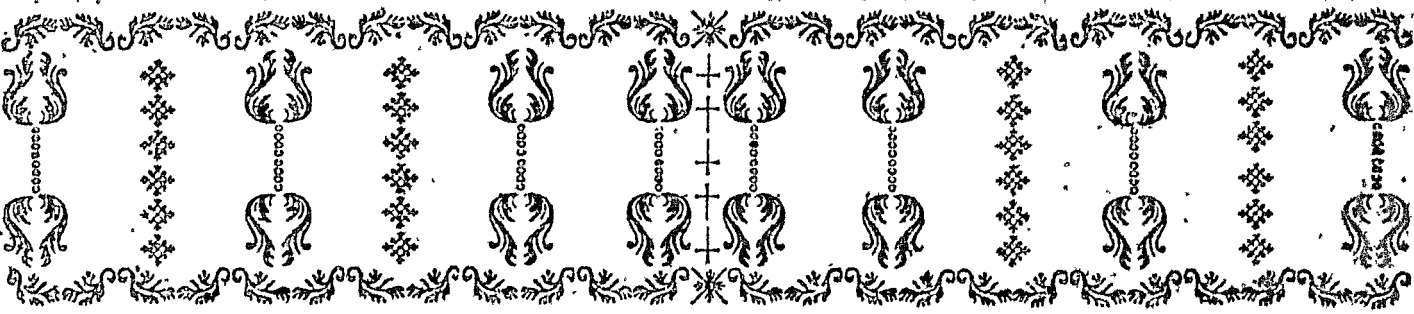
begun and held at *Newbern* on the Eighth
in the Year of our Lord One Thousand &
and Seventy Seven, and in the First Year
of the said State: Being the First
Assembly.

For Robert Walker Esq.

N E W B E R N

Printed by JAMES DAVIS. MDCCLX

A. D. 1777



A C T S

O F

A S S E M B L Y

O F T H E S T A T E O F

N O R T H C A R O L I N A.

At a GENERAL ASSEMBLY begun and held at *Newbern* on the Eighth Day of *April*, in the Year of our Lord One Thousand Seven Hundred and Seventy Seven, and in the First Year of the Independence of the said State; Being the First Session of this Assembly.

RICHARD
CASWELL,
Esq; Govern-
nor.

C H A P. I.

An Act to establish a Militia in this State.

I. **W**HEREAS a well regulated Militia is absolutely necessary for the defending and securing the Liberties of a free State:

Preamble.

II. *BE it therefore Enacted, by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That the Militia of this State be divided into six Brigades, viz. One in each of the Districts of Edenton, Newbern, Wilmington, Halifax, Salisbury, and Hillsborough, and each Brigade to be commanded by a Brigadier General. And the Militia of every County shall consist of all the effective Men from sixteen to fifty Years of Age inclusive, to be formed into one or more Regiments, each under the Command of a Colonel, Lieutenant Colonel, and two Majors; every Regiment shall be divided into Companies, consisting of fifty Rank and File at least, two Serjeants, two Corporals, one Drummer, and one Fifer; and each Company to be under the Command of a Captain, Lieutenant, and Ensign. That every Company shall be divided into four Divisions, who shall draw Lots for the first, second, third, and fourth Turns to go on Service, and shall be numbered according to such Lots.*

Militia divid-
ed into Bri-
gades.

How establish-
ed.

Companies to
draw Lots to
go on Service

A

III. AND

A. D. 1777.

Arrangement
to be made in
every County,
and Captains
to return Mus-
ter Rolls to
the command-
ing Officer,
who is to
make Return
to the Bri-
gadier General.

III. *AND be it further Enacted*, That the foregoing Arrangement shall immediately upon the Publication hereof be made in every County in this State, by the Field Officers and Captains in their respective Departments; and that every Captain immediately on such Arrangement, and afterwards every six Months, shall return a Muster Roll of his Company, divided and numbered as aforesaid, to the commanding Officer of the Regiment, under Pain of forfeiting Five Pounds for every Default; and the commanding Officer of each Regiment shall make an exact Return from such Lists, within twenty Days after receiving the same, to the Brigadier General of the District, under Pain of forfeiting Twenty Five Pounds for every Default.

Commanding
Officer of a
Regiment to
order a Gene-
ral Muster.

Captains to
muster their
Companies.

Pen. for non-
Attendance.

IV. *AND be it further Enacted*, That the commanding Officer of every Regiment shall, whenever thereto required by the Brigadier General of the District, order a General Muster at the most convenient Place for his Regiment, under Pain of forfeiting Twenty Five Pounds for every Default; provided he does not call them together more than twice in one Year. And every Captain shall muster and train his Company, divided as before directed, once in every Month, and oftener if directed by the commanding Officer, under Pain of forfeiting Five Pounds for every Default. And every Soldier neglecting or refusing to attend the General Muster, shall forfeit the Sum of Ten Shillings, and if a private Muster Five Shillings, to be recovered, together with the foregoing Forfeitures, as herein after directed.

Brigadiers to
return a Mus-
ter Roll to the
Governor.

V. *AND be it further Enacted*, That the Brigadier Generals respectively shall return an exact Roll of all the Officers and Soldiers of their Brigades, distinguished into their proper Companies and Divisions, to the Governor, once every Year, and oftener if required, under Penalty of One Hundred Pounds for every Default.

Soldiers how
to be accou-
tred.

Provision
where Persons
are unable to
find Arms.

Allowance
when called
into Service.

Their Pay.

VI. *AND be it further Enacted*, That each militia Soldier shall be furnished with a good Gun, Shot Bag, and Powder Horn, a Cutlass or Tomahawk; and every Soldier neglecting to appear at any Muster, accoutred as above, shall forfeit for every such Offence Two Shillings and Six Pence (unless he can make it appear they were not to be procured) to be recovered as other Fines. And where any Person shall appear to the Field Officers not possessed of sufficient Property to afford such Arms and Accoutrements, the same shall be procured at the Expence of the County, and given to such Persons on Muster Days, or when ordered into Service; which Guns and Accoutrements, after such Service, shall be returned to the Captain of the Company, and by him carefully preserved for future Occasions. And whenever the Militia are called into Service, they shall be allowed as follows, *viz.* One Baggage Waggon, or two Carts, for every Company, and one Cart and two Horses for a Brigadier General; one Baggage Cart and two Horses for the Field Officers of each Regiment; Ammunition Waggon, at the Discretion of the Brigadier General; the same Rations to Men and Officers as allowed to the continental Army, to be supplied by Commissaries appointed by the Brigadier; one Bell Tent to each Company, intrenching Tools, six Axes, and a sufficient Number of Camp Kettles. And the Pay of the Men and Officers as follows, *viz.*

A Colonel, <i>per</i> Day,	0-12-6	An Ensign,	0- 4-6	<i>A. D. 1777.</i>
A Lieutenant Colonel,	0-10-0	A Serjeant,	0- 4-0	
A Major,	0-10-0	A Corporal, Drummer, &		
A Captain,	0- 7-6	Fifer,	0- 3-0	
A Lieutenant and Chirurgion,	0- 5-0	A common Man,	0- 2-6	
An Adjutant,	0- 7-6	A Brigadier General,	1-12-0	

VII. *AND be it further Enacted*, That the commanding Officer of every Regiment shall return an Account of all Expences and Disbursements, and Pay, appertaining to the said Regiment, and shall produce as Vouchers for such Account, the Account rendered on Oath of the Captains of the several Companies, and other Persons expending or disbursing for the said Regiment.

Commanding Officer to return Account of Disbursements.

VIII. *AND be it further Enacted*, That there shall be Ten Light Horsemen, and no more, from each Regiment, to be arrayed in one or more Companies, when they shall have joined the Brigade, at the Direction of the Brigadier General.

Number of Light Horsemen.

IX. *AND be it further Enacted*, That no Officer or Soldier in the militia Service shall be tried for any Offence against the Militia Law, or the Articles of War, except by a Court Martial, to consist only of militia Officers.

Militia how tried.

X. *AND be it further Enacted*, That no Brigade, Regiment, Company or Division of Militia, shall be under Command of any but militia Officers, except when such Militia shall be ordered by the civil Power to join the continental Troops; in which Case, the continental Officer of equal, and the militia Officer of superior Denomination shall command.

To be under Command of Militia Officers.

XI. *AND be it further Enacted*, That such Divisions as shall at any Time be called into Service, shall be formed into Companies of not less than Fifty Men each, with a proportional Number of Officers, Serjeants, Corporals, Fifers and Drummers; And all the Officers of each Regiment shall agree among themselves concerning who shall command the Men directed to march into actual Service; but if they cannot agree the commanding Officer shall cause Lots to be drawn, and the Officer on whom such Lot shall fall shall command in their proper Rank and Department.

Divisions called into Service how formed, and commanded.

XII. *AND be it further Enacted*, That all Persons within the Ages of Sixteen and Fifty, shall be liable to be drafted, and every Person so drafted obliged to serve, or find an able-bodied Person in his Room: Provided that the Council of State, and Public Secretary, and Justices of the Peace, Ministers of some Church regularly called, and having the Cure of Souls, and continental Postmasters, shall not be obliged to attend general or private Musters.

Persons liable to be drafted.

XIII. *AND be it further Enacted*, That for all Defaults at private Musters the Captains of their respective Companies shall issue Citations against the Delinquents, returnable to the succeeding Muster, and in Case of insufficient Cause being shewn for Absence, shall issue his War-rant

Fines of Defaulters how recovered and applied.

A. D. 1777.

rant to the Serjeant for levying the above Fines; and the Fines so collected shall be applied towards providing Arms for such as have not sufficient Property to procure such for themselves.

Court Martial
established, &
their Power.

XIV. *AND be it further Enacted*, That there shall be a Court-Martial held the Day after every General Muster, to be composed of one Field Officer and Six Captains, or Subalterns at least, which said Court shall have full Power to inquire into the Age and Abilities of all Persons enlisted, and to exempt such as they judge incapable of Service; and of all Neglects and Omissions, as well by any Officers as Soldiers; and to hear and determine all Appeals whatever, and to dispose of all Fines for the Use of the County; and the said Court is hereby directed and required to keep a Register of all their Proceedings, and for that Purpose to appoint a Clerk, and to allow him a reasonable Salary out of the Fines.

Pen. for neg-
lecting to ap-
pear at Gene-
ral Musters, ..
and how reco-
vered.

XV. *AND be it further Enacted*, That where any Soldier shall neglect or refuse to appear at any General Muster equipt as aforesaid, the Captain of the Company to which he belongs shall return him as a Delinquent to the general Court-Martial; and they are hereby directed and required to send Citations against such Persons, signed by the President, and returnable to the next general Court-Martial; and on Failure of sufficient Excuse, they are hereby impowered to issue Execution against the Estate of such Delinquent for the Fines incurred by their Neglect or Refusal.

Pen. for resist-
ing or refusing
the lawful
Commands of
their com-
manding Offi-
cer.

XVI. *AND be it further Enacted*, That if any Soldier shall during the Time of any Muster, or when in Service, resist his commanding Officer, or refuse his lawful Commands, such Soldier shall be punished at the Discretion of his Officer, by being tied Neck and Heels not exceeding fifteen Minutes; and if any Officer or Soldier shall refuse to carry such Commands into Execution, he or they so offending shall forfeit and pay the Sum of Five Pounds; to be levied by a Warrant from any Field Officer in the Regiment, and applied as other Fines mentioned in this Act.

Militia ex-
empt from
Arrests at
Musters.

XVII. *AND be it further Enacted*, That no Officer or Soldier going to, continuing at, or returning from any Muster, in any reasonable Time, shall be liable to be arrested by any Officer, in any civil Action or Process whatever; any Law, Usage or Custom to the contrary, notwithstanding.

Commissioned
Officer to ad-
minister an
Oath.

XVIII. *AND be it further Enacted*, That in all Cases where it shall be requisite to administer an Oath relative to any military Matters, any commissioned Officer is hereby impowered and required to administer the same.

Method of
pressing Wag-
gons, Horses,
&c. for the
Service of the
State.

XIX. *AND to prevent Oppression, Be it further Enacted*, That no Officer or Soldier of the Militia, or Regulars in this State, shall press any Waggon, Cart or Horse, Arms or other Things of any Nature whatsoever, unless authorised thereto by Warrants under the Hands and Seals of Two Justices of the Peace (not being militia Officers then in actual Service) of the County where such Press shall be necessary: And any Officer or Soldier, before he shall press any Thing as aforesaid, shall demand the same

same peaceably from the Owner or Possessor thereof, and in Case of Refusal, shall produce his Warrant aforesaid before he proceeds to press. And every Officer or Soldier who shall offend against this Act, shall forfeit and pay Ten Pounds for every such Offence, to the Person injured, and be moreover liable to the Action or Actions of the Party grieved; to be recovered before any Jurisdiction having Cognizance thereof. And every Thing so pressed shall be valued by Two indifferent Persons on Oath, and a Certificate of the Valuation given by such Valuers to the Owner or Possessor from whom the same shall be pressed, in order that if the same shall not be restored to the Owner or Possessor, he may be allowed such Valuation by the Public.

A. D. 1777.


XX. *AND be it further Enacted, by the Authority aforesaid, That every* Absentee shall be allowed till the next succeeding Muster to make Excuse before the Captain shall issue his Warrant, unless against such Defaulters as he may suspect are about removing themselves out of the County before such succeeding Muster; in which Case, it shall and may be lawful for such Captain to issue a Summons to cause such suspected Person to appear before him, and upon hearing him, or the Person refusing to obey the Summons, the Captain shall then proceed as to him seems just. And every Person that shall be fined in Virtue of this Act, and shall think himself injured by his Officers, may appeal to the next Court Martial, first giving Security in the Sum of Twenty Shillings to appear and abide by the Judgment of the said Court; and if Judgment shall be against him, that he will then and there pay the Fine, with Two Shillings Costs.

Absentees allowed Time to make Excuse.

Appeal granted.

XXI. *AND be it further Enacted, by the Authority aforesaid, That every Person who shall neglect or refuse, on Call or Alarm given, to appear himself in Person, or send an able bodied Man in his Stead, at such Times and Places as shall be appointed by his Captain or other Officer, shall forfeit and pay Ten Pounds, Proclamation Money; and it shall and may be lawful for any one Justice of the County where such Person so failing resides, to cause him to be immediately apprehended and committed to Gaol, until he shall find Security for his Appearance at the next Court Martial. And if such Defaulter shall fail to appear and make satisfactory Excuse to the next Court Martial, the President of the said Court Martial is hereby directed and empowered to issue his Warrant for levying the aforesaid Fine, directed to the Sheriff of the County where the Offender resides; and such Sheriff, who is hereby required and directed to execute the same, shall for every Neglect or Refusal forfeit and pay the Sum of Twenty Pounds, Proclamation Money; to be recovered by Action of Debt, in any Court of Record in this State. And every Person who shall refuse to march against the Enemy when commanded, or refuse or neglect to do his Duty, or perform the Service he is put upon by his Captain or other Officer, or shall quit his Post, desert his Colours, or mutiny, it shall and may be lawful for one Field Officer or more, two Captains, two Lieutenants, and two Ensigns, or the Majority of them, openly to hold a Court Martial, first taking the following Oath, which is to be taken by all other Court Martials, viz. *You shall swear well and truly to try, according to Evidence, in the Matter now before you.* And on Trial and Conviction, to punish the Offender according to Martial*

Pen. for refusing to appear on Alarm given, or to march, &c. when commanded.

Court Martial's Oath.

L A W S of NORTH-CAROLINA.

A. D. 1777.

Law, as the Nature of the Offence may require (Death excepted.) And for want of such Number of Officers to complete a Court Martial, the Offender shall be put under Guard until such Time as there shall be a sufficient Number for that Purpose.

Regulations where any Brigade is ordered into Service.

XXII. *AND be it further Enacted, by the Authority aforesaid,* That when any Brigade shall be ordered into actual Service, the following Rules and Regulations shall be observed, *viz.* One Waggon Master shall be appointed by the Field Officers of every Battalion, subject to be removed or rejected by the Brigadier General, who, before he enters upon his Duty, shall take an Oath that he shall faithfully execute the said Office; and the Commissaries shall every Morning make a Return to the Waggon Master of the Provisions, which the Waggon Master having examined and compared, shall return signed and certified to the Commanding Officer; and the Waggon Master shall attend as his special Duty to the Arrangement of the Waggon, taking Care that every Morning no more begin the March than one for every Ton of Provisions, except where there may be Half a Ton or upwards over and above what will make a Ton for every Waggon but one, in which Case the one Waggon shall be kept in Service until so much is consumed as to render it below Half a Ton; and in all Cases where the Quantity over a Ton for each Waggon is less than Half a Ton, the Overplus shall be distributed into the other Waggon as equally as may be; and every Morning all the empty Waggon shall be discharged, each Waggon having first obtained a Certificate from the Waggon Master, setting forth the Number of Days it had been in Service, and the Place where discharged, and the Distance to return; and for every twenty Miles of such Return each Waggon shall be allowed Twenty Shillings, or one Day's Pay, and Half the Sum for such Carts as shall be employed in the Service; and every Waggon Master shall be allowed the Pay and Rations of a Major. That there be a Paymaster to each Brigade, who shall attend the same, and be allowed Major's Pay and Rations.

Divisions for drafting by Order of Congress, confirmed.

XXIII. *AND be it further Enacted, by the Authority aforesaid,* That the Divisions made for drafting the Militia in the several Counties in this State, according to a Resolve of Congress, passed at *Halifax* in *May* last, shall continue; and the Persons who have in Pursuance thereof been drafted, and actually called forth in the Service of this State, shall not be again drafted, nor called into actual Service, till according to the Order of the said Divisions it shall in Rotation come to their Turn to be again drafted and called into the actual Service of this State; any Thing in this Act contained to the contrary, notwithstanding.

Penalties formerly incurred, how recovered.

XXIV. WHEREAS the Penalties incurred by some of the Militia who refused to march in the late Expedition against the *Cherokees*, and other Enemies, for the necessary Defence of this State, have been imposed agreeable to Act of Assembly and Resolves of Congress, and whereas some of the said Penalties incurred and imposed as aforesaid have not been collected; *Be it therefore Enacted, by the Authority aforesaid,* That the Colonel or commanding Officer of every Regiment of Militia in this State shall be, and is hereby impowered and authorized to issue his Precept, under his Hand and Seal, directed to the Sheriff of the County where

where the Offender resides, to levy the said Fines, by Distress and Sale of the Offender's Goods and Chattels; and the said Fines shall be applied in the same Manner as other Fines imposed by this Act. And the Sheriffs for this Service shall out of the said Fines receive the Fees allowed by Law for levying Executions, and for every Neglect or Refusal shall forfeit and pay the Sum of Ten Pounds.

A. D. 1777.

C H A P. II.

An Act for levying a Tax by General Assessment, and other Purposes.

I. **W**HEREAS the levying a Tax on Property, by Way of General Assessment, will tend to the Ease of the Inhabitants of this State, and will greatly relieve the poor People thereof; and as it is absolutely necessary for the Support of Government, and defraying the Expences and contingent Charges thereof, that a Tax be immediately laid, and the Monies arising therefrom collected as soon as may be:

Preamble.

II. *BE it therefore Enacted, by the General Assembly of the State of North-Carolina, and it is hereby Enacted by the Authority of the same, That a Tax of one Half of a Penny be levied on each Pound Value of all the Lands, Lots, Houses, Slaves, Money, Money at Interest, Stock in Trade, Horses and Cattle, in this State.*

Estates taxed.

III. *AND for the better ascertaining the Value of such Property, Be it further Enacted, by the Authority aforesaid, That the several County Courts in this State shall at their respective Courts to be held after the first Day of July next, and so at such Courts yearly and every Year, lay out their respective Counties into moderate and convenient Districts, and shall appoint a Magistrate for each District to receive from every Inhabitant of such District a just and true Account of his or her Estate as aforesaid, on Oath, within one Month after the sitting of such Court; which Account shall be immediately delivered by the Magistrate so receiving the same to the Persons appointed to value the Property in such District, together with an Account of his own Estate, upon Oath.*

Counties to be laid out in Districts, and Magistrates appointed to receive Inventories.

IV. *AND be it Enacted, by the Authority aforesaid, That the said Courts respectively shall appoint three honest and intelligent Persons, who shall on Oath (to be administered by any Justice of the Peace) value the Property of each Individual as aforesaid, as near as may be, within their respective Districts, and make Return thereof to the next succeeding County Court; and in Case they cannot all agree in such Valuation, the Agreement of any two of them shall be valid; but where they shall all differ in Opinion respecting the Value of any Property, then, and in that Case, the Valuation of each of the said Persons shall be added together, and the third Part of all the three Sums shall be adjudged to be the true Value of such Property, and shall be returned to the Court accordingly.*

Assessors appointed.

V. *AND for the more effectual collecting and gathering of the Taxes to be assessed by Virtue of this Act, Be it Enacted, by the Authority aforesaid, That the respective Courts shall appoint a Collector or Taxgatherer within each District, who shall collect all the Taxes within such District;*

Taxes how collected.

but